

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
SOLID WASTE AND EMERGENCY RESPONSE

JANUARY 11, 1988

Dear Mr. Drane:

In response to your letter dated October 29, 1987 concerning the development of a dust control product and its hazardous waste regulatory status, we advise you as follows.

Section 3004(1) of RCRA prohibits the use of any material which is contaminated or mixed with dioxin or any other hazardous waste (except hazardous waste identified solely for ignitability) for use as a dust suppressant. From the information you provided, your product is not a hazardous waste and is not mixed with dioxin or any other hazardous waste. Therefore, given the information you provided, you are not affected by the RCRA prohibition (or any other hazardous waste requirements). You should check with your local and State agencies to see if they have any restrictions on road oiling.

If you have any other questions or comments, please contact Mike Petruska at (202) 475-8551. Thank you for your concern.

Sincerely,

Marcia E. Williams  
Director  
Office of Solid Waste

Mr. Steve Drane  
4414 South Ventura Drive  
Tempe, AZ 85282  
(602) 254-4501

October 29, 1987

Matt Straus, Ed Abrams, or Marsha Williams  
U.S.E.P.A. Office of Solid Waste  
Waste Characterization Branch  
401 M Street S.W. WH562B  
Washington D.C. 20460

Dear Mr. Abrams, et. al.:

I am writing in response to our telephone conversation of October 27. My company is in the process of developing a dust control product to be used on large scale construction projects. Before we go any further in the development, we need assurance from E.P.A. that we will not be in violation of any hazardous materials regulations. I have received verbal sanctions from your San Francisco office, but was told if I wanted anything in writing to go through the Washington D.C. office.

The product is any oil and water emulsion utilizing polymers (bentinite and cypan-polyacrylite). On the oil side of the emulsion we will use number two diesel fuel which will make up roughly 50% of the finished product. The finished product will be applied at a rate of 1/4 to 1/2 gallon per square yard depending on soil conditions.

After speaking with the E.P.A. office in San Francisco, I learned that the problem area in development of this product is the use of number two diesel, and that we must meet the following criteria:

1. Flash point above 140 F.
2. Petroleum used in conjunction with polymers.
3. No waste oil can be used.
4. This must be the normal intended use for the product.

Since this criteria is met, I was told we would not be in violation of Environmental Protection Standards.

Any comments or advice you could give me in this matter would be greatly appreciated.

Sincerely,

Steve Drane

FaxBack # 11316